

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CONSUMER FINANCIAL
PROTECTION BUREAU,

Plaintiff,

v.

UNIVERSAL DEBT & PAYMENT
SOLUTIONS, LLC, *et al.*,

Defendants.

Civil Action No. 1:15-CV-0859-RWS

**GLOBAL PAYMENTS INC.'S MOTION FOR LEAVE TO FILE MOTION
FOR ATTORNEYS' FEES**

In accordance with Federal Rule of Civil Procedure 6(b)(1), Global Payments Inc. respectfully files this Motion to seek leave to file a motion for attorneys' fees within 14 days after the resolution of Plaintiff Consumer Financial Production Bureau's appeal.

Back in August 2017, this Court granted Global Payments' Motion for Sanctions due to CFPB's persistent discovery violations in instructing its 30(b)(6) witness not to answer questions that the Court had already allowed and in presenting a witness who was unprepared to answer fundamental questions regarding the facts at

issue in this case. *See* dkt. 436 (Aug. 25, 2017 Order). The Court found “that the CFPB willfully violated the Court’s repeated instructions” regarding depositions, including by repeatedly asserting “privilege objections in response to questions that the Court expressly identified as permissible.” *Id.* at 21–22. The Court therefore properly struck all counts that had been pled against Global Payments and dismissed Global Payments from the case. *Id.* at 22.

Because the order on the Motion for Sanctions did not dispose of all claims against all parties, the Court clarified that any motion for attorneys’ fees should be filed “within 14 days of the entry of a final judgment disposing of all claims and all parties.” Dkt. 414 at 2 (Sep. 20, 2017 Order). Final judgment was ultimately entered in this case four years later on October 20, 2021. Dkt. 718. Under the Court’s previous order and Rule 54(d)(2)(B)(i), any motion for attorneys’ fees by Global Payments was therefore due on November 3, 2021. While Global Payments considered filing such a motion, in light of the many years that had passed since it was dismissed from the case, Global Payments determined that it would be more efficient not to reopen its dispute with the CFPB. It therefore did not file such a motion.

The CFPB, however, took a different tack and now seeks to re-litigate the issues in Global Payments’ Motion for Sanctions. On December 17, 2021, the CFPB

filed a notice of appeal with respect to the Court's grant of sanctions. Dkt. 721.

Under Rule 54(d)(2)(B), the Court has the discretion to expand the time in which a party can file a motion for attorneys' fees. *See* Fed. R. Civ. P. 54(d)(2)(B) (requiring motions for fees to be made within 14 days of final judgment "[u]nless a statute or a court order provides otherwise . . ."). Given the CFPB's decision to file an appeal and relitigate its discovery misconduct, Global Payments respectfully requests leave of Court to file a motion for attorneys' fees within 14 days of the Eleventh Circuit's resolution of the CFPB's appeal.

A proposed order is attached hereto.

Respectfully submitted this 22nd day of December, 2021.

/s/ Michael A. Caplan

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LOCAL RULE 7.1(D) CERTIFICATION

The undersigned counsel certifies that the foregoing document has been prepared with one of the font and point selections approved by the Court in LR 5.1(B).

This 22nd day of December, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that, on this day, I caused a true and correct copy of the foregoing document to be filed with the clerk's office using this Court's CM/ECF system, which will automatically send notice of such filing to all counsel of record.

This 22nd day of December, 2021.

/s/ Michael A. Caplan

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